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9D-EC-19347 PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ebertshauser

Art Unit:

Serial No.: 09/751,199

Examiner:

Filed: January 2, 2001

For:

METHOD, SYSTEM AND PROGRAM PRODUCT FOR MAINTAINING INFORMATION

REGARDING AN ITEM

PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT OR, IN THE ALTERNATIVE, FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED PATENT APPLICATION

Box DAC Hon. Commissioner for Patents Washington, D.C. 20231

Pursuant to 37 C.F.R. § 1.181, MPEP 711.03(c) II, and 1156 OG 53, Applicant hereby petitions to withdraw holding of abandonment based on failure to receive an office communication.

The present application was transferred by GE Appliances (GE) to Armstrong Teasdale LLP (AT) in connection with GE requesting that AT take over docketing responsibility. In reviewing the approximately 383 files transferred, it was discovered by status checks that this application and approximately 42 other applications that were believed to be pending actually had a status of abandoned. Specifically, through a telephone status check to the USPTO, Applicant learned that the above-identified application has been held to be abandoned. More particularly, in the telephone status check, Applicant learned that a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION was mailed by the USPTO to Applicant on February 16, 2001. The undersigned has examined Applicant's file regarding the subject application and the file does not include a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION nor a Notice Of

Abandonment. Additionally, attached is a copy of GE's file folder where the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION would have been docketed had the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION been received and docketed.

Applicant respectfully submits that Applicant's record is indicative of Applicant never receiving the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION. Accordingly, Applicant respectfully requests that the holding of abandonment be withdrawn. Specifically, Applicant requests that the signed declaration submitted herewith and the fee of \$130.00 under 37 C.F.R. § 1.16(e) submitted herewith be accepted and that the holding of abandonment be withdrawn. The foregoing request is consistent with 1156 OG 53 in that the request includes a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received, and a copy of the docket record where the non-received Office action would have been entered had it been received and docketed is attached to and referenced in practitioner's statement.

Applicant believes that no fee is due for this petition and the Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$130.00 to deposit account 01-2384. If \$130.00 is not the correct fee, then the Commissioner is hereby authorized to charge the correct fee to deposit account 01-2384.

If the above petition under 37 C.F.R. § 1.181 is not granted, then pursuant to 37 C.F.R. §§ 1.316 and 1.137(b), and MPEP 711.03(c) III, Applicant hereby petitions to revive the subject patent application as unintentionally abandoned. The following authorizations and statements are provided in accordance with 37 C.F.R. 1.137(b):

(1) Authorization to charge the late filing fee under under 37 C.F.R. § 1.16(e) to a deposit account is set forth below in Paragraph (4).

- (2) Authorization to charge the petition fee (37 C.F.R. 1.17(m)) is set forth below in Paragraph (4).
- (3) The entire delay in the filing of the required reply from the due date for the reply until the filing of this petition was unintentional.
- (4) Fees:

a. Payment of the late filing fee

\$ 130.00

b. Petition fee (37 C.F.R. 1.17(m))

\$1,280.00

TOTAL FEES DUE:

\$ 1,410.00

The Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$1,410.00, any deficiencies in the enclosed fees, or credit any overpayment, to Deposit Account No. 01-2384. (A duplicate of this petition is enclosed.)

- (5) Enclosed is a copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION.
- (6) Enclosed is a signed declaration of Timothy Michael Ebertshauser.
- (7) Enclosed is a copy of GE's file folder where the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION would have been docketed had the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION been received and docketed.

For the reasons set forth above, Applicant respectfully requests that the holding of abandonment be withdrawn, or in the alternative, that the subject application be revived.

Respectfully Submitted,

rom

Thomas M. Fisher, Reg. No. 47,564 ARMSTRONG TEASDALE LLP

One Metropolitan Square, Suite 2600

St. Louis, Missouri 63102-2740

(314) 621-5070



NT AND TRADEMARK OFFICE

COMMISSIONER FOR FATENTS UNITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, D.C. EOZDI www.usplo.gov

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/751,199

01/02/2001

Tim Ebertshauser

9D-EC-19347-Ebertshauser

CONFIRMATION NO. 8539

FORMALITIES LETTER

OC000000005771600*

General Electric Company Appliance Park, 2-225 Louisville, KY 40225

Date Mailed: 02/16/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$.130.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10-62-19347	DOCKETED 9/30/99	RECORDED	REEL FRAME	RELATED DIV. OR CONT.	G. E. CLASS NUMBER									·									
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Attorney Docket No. 9D-EC-19347

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD, SYSTEM AND PROGRAM PRODUCT FOR MAINTAINING INFORMATION REGARDING AN ITEM, the specification of which:

(check one)	[] [/]	was file	hed hereto. ed on <u>January 2, 2001</u> as Appl s amended on	ication S	erial No. <u>09/751,199,</u>
I hereby state the claims, as an	at I have nended by	reviewe ⁄ any am	d and understand the contents endment referred to above.	of the a	bove identified specification, including
I acknowledge accordance with	the duty Title 37,	to disclo	ose information which is mat Federal Regulations §1.56.	erial to	the examination of this application in
prior United Sta §112. I acknow	tes applic wledge the .56 which	ation in the duty	the manner provided by the fact of the care of the care of the fact of the care of the car	laims of first para	20 of any United States application(s) this application is not disclosed in the graph of Title 35, United States Code, defined in Title 37, Code of Federal r application and the national or PCT
Application Seri		- -	Filing Date	<u>St</u>	tatus (patented, pending, abandoned)
I hereby claim tapplication(s) lis	ica below	•	Title 35, United States Code Filing Date	== \$119(e 	Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.
therewith. (list in H. Neil Houser Company, Appl Policinski (Reg Easton Turnpike CT 06431; John No. 47,564), Da Reeser III (Reg.	name and (Reg. No liance Par . No. 26,6 e, Fairfiel a S. Beulio niel M. F	registra. 28,859) k 2-225, 21), John d, CT 06 ck (Reg. itzgerald 48), Gor	ransact all business in the Pate tion number) and George Rideout, Jr. (Reg. Louisville, KY 40225; Ronald in F. Beninati (Reg. No. 40,510 431: Jay L. Chaskin (Reg. No.	nt and T ₁ . No. 43, l E. Myri), of Gen 24,030) Reg. No Rasche	880), all of General Electric ck (Reg. No. 26,315); Henry J. eral Electric Company, 3135 of 3135 Easton Turnpike, Fairfield, 43,476), Thomas M. Fisher (Reg. (Reg. No. 37,916), Robert B.
Send Correspon John S. Beulick Armstrong Teas One Metropolita St. Louis, MO 6	dale LLP an Square	, Suite 26	500		Direct Telephone Calls To: John S. Beulick 314-621-5070

DECLARATION AND POWER OF ATTORNEY

Attorney Docket No. 9D-EC-19347

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

SOLE OR FIRST INVENTOR:	
Full Name: Timothy Michael Ebertshauser	
Signature: Tit Marlal Eliffer	Date: 7/22/2002
Residence: Milford, CT 06460	
Citizenship: US	
Post Office Address: 441 Acorn Lane, Milford, CT 06460	

THE UNITED STATES PATENT OFFICE IS REQUESTED TO IMPRESS ITS STAMP ON THIS CARD AND PLACE SAME IN THE OUTGOING MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED.

Atty Dkt. No.: 9D-EC-19347 (13307-180)

Applicant: Ebertshauser Serial No.: 09/751,199 Filed: January 2, 2001

For: METHOD, SYSTEM AND PROGRAM PRODUCT FOR MAINTAINING INFORMATION REGARDING AN ITEM

Enclosed:

- Petition For Withdrawal Of Holding Of Abandonment Or, In The Alternative, For Revival Of An Unintentionally Abandoned Patent Application (3 pages, in duplicate)
- Copy of Notice To File Missing Parts Of Nonprovisional Application (1 page)
- Declaration And Power Of Attorney of Timothy Michael Ebertshauser (2 pages)
- Enclosed is a copy of GE's file folder where the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION would have been docketed had the

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION been received and docketed.

- Certificate of Mailing By Express Mail (1 page) EV 130049504 US

TMF/meg

Mailed: July 24, 2002

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Applicant: Ebertshauser

Art Unit:

Serial No.: 09/751,199

Examiner:

9D-EC-19347 PATENT

Filed: January 2, 2001

For: METHOD, SYSTEM AND

PROGRAM PRODUCT FOR MAINTAINING INFORMATION

REGARDING AN ITEM

CERTIFICATE OF MAILING BY EXPRESS MAIL TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

Express Mail mailing label number: EV 130049504 US

Date of Mailing: July 24, 2002

I certify that documents listed below:

- Petition For Withdrawal Of Holding Of Abandonment Or, In The Alternative, For Revival Of An Unintentionally Abandoned Patent Application (3 pages, in duplicate)
- Copy of Notice To File Missing Parts Of Nonprovisional Application (1 page)
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- Certificate of Mailing By Express Mail (1 page)
- Return Post Card

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to Box DAC, Commissioner for Patents, Washington, D.C. 20231.

Respectfully Submitted,

Thomas M. Fisher, Reg. No. 47,564

Armstrong Teasdale LLP

One Metropolitan Square, Suite 2600

St. Louis, MO 63102

314-621-5070